

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Durward I. Faries, Jr. et al.

Serial No.: Not Yet Assigned

Examiner: Unknown

Confirmation No.: Unknown

Art Unit: Unknown

Filed: Herewith

For: **Temperature Sensing Device for Selectively Measuring Temperature at Desired Locations Along an Intravenous Fluid Line**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97(b)**

Pursuant to the duty imposed by 37 C.F.R. §1.56 to disclose information which may be material to the patentability of the above-identified patent application, the Applicant(s) would like to direct the Examiner's attention to the documents listed on the enclosed Information Disclosure Citation Form. In accordance with this duty of disclosure, Applicant(s) hereby submits the following information in conformance with 37 C.F.R. §§1.97 and 1.98.

- Pursuant to 37 C.F.R. §1.98, a copy of each document cited in the attached Form is enclosed.
- The subject Information Disclosure Statement is being filed without copies of the listed U.S. Patents and/or U.S. patent application publications pursuant to the waiver of the requirement under 37 C.F.R. §1.98(a)(2)(i) for applications filed after June 30, 2003. Copies of the listed foreign patent documents and/or non-patent literature are enclosed herewith.
- No copies of the publications listed on the attached form are being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application Serial No. 09/973,988 to which the above-identified application claims priority under 35 U.S.C. §120.

- Publication(s) _____ listed on the attached Form were cited in a foreign search or examination report corresponding to _____ application serial no. _____ and mailed on _____.
- Enclosed is a copy of a non-English publication(s) _____. Pursuant to §609 of the M.P.E.P., Applicant submits the attached foreign search or examination report, which cites such non-English language publication(s).
- Enclosed is a copy of a non-English publication(s) _____. English language publication _____ (copy enclosed) claims priority from this non-English publication.
- Enclosed is an explanation of non-English publication(s) _____ for which an English translation is not available.
- Enclosed is an English translation of non-English publication(s) _____ cited in the attached Form.
- Enclosed is a copy of pending patent Application Serial No. _____.

This Information Disclosure Statement is filed within any one of the following time periods:

- within three months from the filing date of this national application other than a CPA under 37 C.F.R. § 1.53(d);
- within three months from the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in this international application;
- before the mailing date of a first office action on the merits; or
- before the mailing of a first office action after the filing of a request for continued examination under 37 C.F.R. § 1.114.

The Commissioner is hereby authorized to charge payment of any fees required for the above-identified application or credit any overpayment to Deposit Account No. 05-0460.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

It is respectfully requested that the Examiner consider the above-noted information and return an initialed copy of the attached Form to the undersigned.

Dated: 5/20/04

EDELL, SHAPIRO & FINNAN, LLC
CUSTOMER NO. 27896
1901 Research Boulevard, Suite 400
Rockville, MD 20850
(301) 424-3640

By:

Respectfully submitted by
EDELL, SHAPIRO & FINNAN, LLC

Stuart B. Shapiro
Stuart B. Shapiro
Reg. No. 40,169

FORM PTO 1449 (<i>modified</i>) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE LIST OF REFERENCES CITED BY APPLICANT(S) (<i>Use several sheets if necessary</i>)	ATTY DOCKET NO. 1322.0046DIV	SERIAL NO. Not Yet Assigned
	APPLICANT : Durward Faries, Jr., et al.	
	FILING DATE : Herewith	GROUP

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	2,766,907	10/16/56	Wallace, Jr.			
	3,629,552	12/21/71	Edging			
	3,640,277	02/07/72	Adelberg			
	3,895,741	07/22/75	Nugent			
	4,167,663	09/11/79	Granzow, Jr. et al			
	4,293,762	10/06/81	Ogawa			
	4,356,383	10/26/82	Dahlberg			
	4,430,078	02/07/84	Sprague			
	4,614,514	09/30/86	Carr et al			
	4,782,212	11/01/88	Bakke			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO/ OR ABSTRACT
	GB2029677A	03/19/80	U.K.			
	WO 98/38953	09/11/98	WIPO			
	WO 99/22786	05/14/99	WIPO			

OTHER DOCUMENT(S) (*Including Author, Title, Date, Pertinent Pages, Etc.*)

		Health Devices, Vol. 25, No. 10, October 1996
		Minco Products, Inc., Bulletin CTI98, 1996
		Eurotherm Controls, Inc., Model 2116 Temperature Controller, 1997
		Ellenwood, Drop Detector, IBM Technical Bulletin, Vol. 12, No. 5, October 1969
		CBi Medical, Inc., IV Fluid Warmer Model 8362, 1992

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		4,680,445	07/14/87	Ogawa				
		4,705,505	11/10/87	Fried				
		4,531,941	07/30/85	Zasuwa				
		4,613,327	09/23/86	Tegrarian et al				
		4,626,243	12/02/86	Singh et al				
		4,709,135	11/24/87	Dietrich et al				
		4,759,749	07/26/88	Verkaart				
		4,747,826	05/31/88	Sassano				
		4,781,548	11/01/88	Alderson et al				
		4,772,778	09/20/88	Ogawa				
FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY		CLASS	SUBCLASS	TRANSLATION YES/NO/ OR ABSTRACT
		WO 99/58177	11/18/99	WIPO				
		FR 2,786,057	05/19/00	FRANCE				
		WO 99/26690	06/30/99	WIPO				
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	4,847,470	07/11/89	Bakke			
	4,874,359	10/17/89	White et al			
	4,878,537	11/07/89	Verkaart			
	4,900,308	02/13/90	Verkaart			
	5,019,047	05/28/91	Kriesel			
	5,061,630	10/29/91	Knoopf et al			
	5,063,994	11/12/91	Verkaart			
	5,075,167	12/24/91	Yamauchi et al			
	5,096,822	03/17/92	Rosenkrans, Jr. et al			
	5,097,898	03/24/92	Verkaart			

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		5,180,896	01/19/93	Gibby et al			
		5,205,820	08/27/93	Kriesel			
		5,232,439	08/03/93	Campbell et al			
		5,279,558	01/18/94	Kriesel			
		5,408,577	04/18/95	Weber, Jr. et al			
		5,330,431	07/19/94	Herskowitz			
		5,342,313	08/30/94	Campbell et al			
		5,318,540	06/07/94	Athayde et al			
		5,348,539	09/20/94	Herskowitz			
		5,399,166	03/21/95	Laing			
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	5,411,482	05/02/95	Campbell			
	5,423,759	06/13/95	Campbell			
	5,681,284	10/28/97	Herskowitz			
	5,733,263	03/31/98	Wheatman			
	5,514,095	05/07/96	Brightbill et al			
	5,338,157	08/16/94	Blomquist			
	4,490,884	01/01/85	Vickers			
	5,512,043	04/30/96	Verkaart			
	5,538,399	07/23/96	Johnson			
	5,540,561	07/30/96	Johnson			

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		5,567,119	10/22/96	Johnson			
		5,567,136	10/22/96	Johnson			
		5,647,854	07/15/97	Olsen et al			
		5,658,250	08/19/97	Blomquist et al			
		5,658,252	08/19/97	Johnson			
		5,669,877	09/23/97	Blomquist			
		5,695,473	12/09/97	Olsen			
		5,707,431	01/13/98	Verkaart et al			
		5,772,409	06/30/98	Johnson			
		5,788,669	08/04/98	Peterson			
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		5,788,671	08/04/98	Johnson			
		5,810,771	09/22/98	Blomquist			
		5,823,746	10/20/98	Johnson			
		5,879,143	03/09/99	Cote et al			
		5,531,697	07/02/96	Olsen et al			
		5,531,698	07/02/96	Olsen			
		5,485,408	01/16/96	Blomquist			
		5,389,078	02/14/95	Zalesky et al			
		6,096,007	08/01/00	Haan et al			
		5,649,910	07/22/97	Kriesel et al			
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		5,891,096	04/06/99	Hyun et al			
		5,893,843	04/13/99	Rodrigues			
		5,961,492	10/05/99	Kriesel et al			
		6,174,300	01/16/01	Kriesel et al			
		5,824,000	10/20/98	Pavlo et al			
		RE 35,501	05/06/97	Ross et al			
		5,308,335	05/03/94	Ross et al			
		5,433,704	07/18/95	Ross et al			
		5,584,811	12/17/96	Ross et al			
		5,743,878	04/28/98	Ross et al			
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		5,879,329	03/09/99	Ginsburg			
		5,989,238	11/23/99	Ginsburg			
		5,492,534	02/20/96	Athayde et al			
		6,062,429	05/16/00	West et al			
		6,175,688	01/16/01	Cassidy et al			
		5,474,538	12/12/95	Stihler et al			
		5,683,381	11/04/97	Carr et al			
		5,690,614	11/25/97	Carr et al			
		5,919,218	07/06/99	Carr			
		6,139,528	10/31/00	Kistner et al			
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	6,142,974	11/07/00	Kristher et al			
	6,146,359	11/14/00	Carr et al			
	5,713,864	02/03/98	Verkaart			
	5,807,332	09/15/98	Augustine et al			
	6,261,261	07/17/01	Gordon			
	5,876,370	03/02/99	Blomquist			
	5,928,196	07/27/99	Johnson et al			
	5,935,099	08/10/99	Peterson et al			
	5,935,106	08/10/98	Olsen			
	5,954,485	09/21/99	Johnson et al			

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		5,961,700	10/05/99	Oliver			
		6,024,539	02/15/00	Blomquist			
		6,035,102	03/07/00	Bakke			
		5,169,389	12/08/92	Kriesel			
		5,411,480	05/02/95	Kriesel			
		5,564,915	10/15/96	Johnson			
		3,526,134	09/01/70	Schaus			
		5,829,880	11/03/98	Diedrich			
		4,138,890	02/13/79	Brown			
		3,845,661	11/05/74	Hollweck et al			
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		522,866	07/10/1894	Weinhagen et al.			
		558,979	04/28/1896	Noble			
		675,647	06/04/1901	Andersen et al.			
		785,524	03/21/1905	Shea			
		803,352	10/31/1905	Meyer			
		1,062,111	05/20/1913	Nylander			
		1,092,643	04/07/1914	Goolsby			
		1,110,919	09/15/1914	Gamble			
		1,223,274	04/17/1917	Hallock			
		1,390,500	09/13/1921	Christian			
		1,493,450	05/06/1924	Richardson			
		1,726,212	08/27/1929	Bucky			
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		1,770,832	07/15/1930	Bass			
		1,794,215	02/24/1931	Titus			
		1,838,026	12/22/1931	Williams			
		1,847,954	03/01/1932	Fisher			
		1,960,417	05/29/1934	Pain, Jr.			
		1,982,213	11/27/1934	Hopkins			
		1,987,119	01/08/1935	Long			
		1,995,302	03/26/1935	Goldstein			
		2,063,902	12/15/1936	Beasley			
		2,087,586	07/20/1937	Tishman			
		2,124,293	07/19/1938	Goldstein			
		2,204,764	06/18/1940	Mayo			

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		2,470,481	05/17/1949	Freeman			
		2,910,981	11/03/1959	Wilson et al.			
		3,140,716	07/14/1964	Harrison et al.			
		3,247,851	04/26/1966	Seibert			
		3,370,153	02/20/1968	Du Fresne et al.			
		3,475,590	10/28/1969	Pins			
		3,485,245	12/23/1969	Lahr et al.			
		3,551,641	12/29/1970	Truhan			
		3,590,215	06/29/1971	Anderson et al.			
		3,612,059	10/12/1971	Ersek			
		3,614,385	10/19/1971	Horstmann			

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			APPLICANT : Durward Faries, Jr., et al.				
			FILING DATE : Herewith			GROUP	
U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		3,651,695	03/28/1972	Brown			
		3,908,652	09/30/1975	Weissinger			
		4,038,519	07/26/1977	Foucras			
		4,090,514	05/23/1978	Hinck et al.			
		4,309,592	01/05/1982	Le Boeuf			
		4,375,813	03/08/1983	Hessel			
		4,384,578	05/24/1983	Winkler			
		4,464,563	08/07/1984	Jewett			
		4,495,402	01/22/1985	Burdick et al.			
		4,523,078	06/11/1985	Lehmann			
		4,532,414	07/30/1985	Shah et al.			
		4,551,136	11/05/1985	Mandl			
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		4,651,813	03/24/1987	Witt et al.			
		4,657,004	04/14/1987	Coffey			
		4,678,460	07/07/1987	Rosner			
		4,682,979	07/28/1987	Girouard			
		4,707,587	11/17/1987	Greenblatt			
		4,735,609	04/05/1988	Comeau et al.			
		4,745,248	05/17/1988	Hayes			
		4,756,299	07/12/1988	Podella			
		4,801,777	01/31/1989	Auerbach			
		4,844,074	07/04/1989	Kurucz			
		4,859,360	08/22/1989	Suzuki et al.			
		4,874,033	10/17/1989	Chatelain et al.			

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		4,906,816	03/06/1990	van Leerdam			
		4,934,336	06/19/1990	White			
		5,013,889	05/07/1991	Bakke			
		5,042,455	08/27/1991	Yue et al.			
		5,059,182	10/22/1991	Laing			
		5,061,241	10/29/1991	Stephens, Jr., et al.			
		5,081,697	01/14/1992	Manella			
		5,106,373	04/21/1992	Augustine et al.			
		5,108,372	04/28/1992	Swenson			
		5,125,069	06/23/1992	O'Boyle			
		5,125,900	06/30/1992	Teves			
		5,129,033	07/07/1992	Ferrara et al.			

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		5,184,613	02/09/1993	Mintz			
		5,195,976	03/23/1993	Swenson			
		5,211,631	05/18/1993	Sheaff			
		5,241,951	09/07/1993	Mason et al.			
		5,243,833	09/14/1993	Coelho et al.			
		5,245,693	09/14/1993	Ford et al.			
		5,250,032	10/05/1993	Carter, Jr., et al.			
		5,254,094	10/19/1993	Starkey et al.			
		5,261,411	11/16/1993	Hughes			
		5,261,875	11/16/1993	Spears et al.			
		5,263,929	11/23/1993	Falcone et al.			
		5,279,598	01/18/1994	Sheaff			

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		5,282,264	01/25/1994	Reeves et al.			
		5,290,230	03/01/1994	Ainsworth et al.			
		5,297,234	03/22/1994	Harms et al.			
		5,364,385	11/15/1994	Harms et al.			
		5,370,674	12/06/1994	Farrell			
		5,381,510	01/10/1995	Ford et al.			
		5,397,875	03/14/1995	Bechtold, Jr.			
		5,408,576	04/18/1995	Bishop			
		5,417,274	05/23/1995	Verkaart			
		5,420,962	05/30/1995	Bakke			
		5,451,209	09/19/1995	Ainsworth et al.			
		5,729,653	03/17/1998	Maglioletti et al.			

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		5,755,275	05/26/1998	Rose et al.			
		5,806,528	09/15/1998	Magliochetti			
		4,804,367	02/14/1989	Smith et al.			
		4,808,159	02/28/1989	Wilson			
		6,254,572	07/03/2001	Knipfer et al			
		6,221,045	04/24/2001	Duchon et al			
		6,129,702	10/10/2000	Woias et al			
		5,263,323	11/23/1993	Maus et al			
		5,073,167	12/17/1991	Carr et al			
		4,832,689	05/23/1989	Mauerer et al			
		4,684,367	08/04/1987	Schaffer et al			
		5,840,068	11/24/1998	Cartledge			
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		3,636,767	1/25/72	Duffy			
		4,187,847	02/12/80	Loeser			
		4,543,095	09/24/85	Jensen			
		5/662,611	09/02/97	Beiser et al.			
		4,329,569	05/11/82	Hjortsberg et al.			
		5,683,381	11/04/97	Carr et al.			
		6,236,809	05/22/01	Cassidy et al.			
		6,480,257	11/12/02	Cassidy et al.			
		4,098,123	07/04/78	Granzow, Jr.			
		3,293,868	12/27/66	Gonzalez			
		2002/0041621	04/11/02				
		2002/0156451	10/24/02				

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		6,467,953	10/22/02	Faries, Jr. et al.			
		6,566,631	05/20/03	Faries, Jr. et al.			
		2003/0114795	06/19/03	Faries, Jr. et al.			
		6,660,974	12/09/2003	Faries, Jr. et al.			
		6,722,782	4/20/2004	Faries, Jr. et al.			
		2003/0231990	12/18/2003	Faries, Jr. et al.			
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